

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF DUNSTABLE
WARRANT
ANNUAL TOWN MEETING – May 11, 2015

Middlesex, ss.

To either of the Constables of the Town of Dunstable in the County of Middlesex:

GREETINGS

IN THE NAME OF the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and town affairs, to meet at the Swallow School in said Dunstable on Monday, the Eleventh of May next, at seven o'clock in the evening, and thereafter continuing from day to day until completed, then and there to act on the following articles:

ARTICLE 1 – Reports: To hear and act upon the reports of Town Officers, Boards, Committees, Commissioners, and Trustees, or take any other action relative thereto. (BOARD OF SELECTMEN)

ARTICLE 2 – Appointments: To see if the Town will vote to have the Board of Selectmen annually appoint one Pound Keeper, two Fence Viewers, two Field Drivers, and three Surveyors of Lumber, or take any other action relative thereto.

FINANCIAL FISCAL YEAR 2015

ARTICLE 3 – Fiscal Year 2015 Supplemental Appropriations: To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to supplement operating budgets for the Fiscal Year ending June 30, 2015, or take any other action relative thereto. (BOARD OF SELECTMEN)

ARTICLE 4 – Fiscal Year 2015 Transfers: To see if the Town will vote to transfer into various line items of the Fiscal Year ending June 30, 2015 operating budget from other line items of said budget or from other available funds, or take any other action relative thereto. (BOARD OF SELECTMEN)

ARTICLE 5 - Community Preservation Committee Recommended Transfers: To see what transfers or other action the Town may vote with respect to any recommended action of the Community Preservation Committee, or take any other action relative thereto. (BOARD OF SELECTMEN/COMMUNITY PRESERVATION COMMITTEE)

FINANCIAL FISCAL YEAR 2016

ARTICLE 6 – Salaries Elected Officials: To see if the Town will vote to fix the salaries of the elected officers of the town as provided by Chapter 41, Section 108 of the Massachusetts General Laws, as amended for Fiscal Year 2016, beginning July 1, 2015, or take any other action relative thereto. (BOARD OF SELECTMEN)

	Voted FY14	Voted FY15	Recommended FY16
Selectmen - Chairman	\$ 600	\$ 600	\$ 600
Member	\$ 600	\$ 600	\$ 600
Member	\$ 600	\$ 600	\$ 600
Assessors - Chairman	\$ 300	\$ 300	\$ 300
Member	\$ 300	\$ 300	\$ 300
Member	\$ 300	\$ 300	\$ 300
Treasurer	\$23,601	\$24,073	\$24,554
Tax Collector	\$23,601	\$24,073	\$24,554
Town Clerk	\$27,831	\$28,388	\$28,956

ARTICLE 7 – Operating Budget: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute, or any combination thereof, to fund the various departments, boards, committees, commissions, and other operating expenses of the town for Fiscal Year 2016, beginning July 1, 2015, or take any other action relative thereto. (BOARD OF SELECTMEN)

ARTICLE 8 – Chapter 90: To see if the Town will vote to appropriate a sum of money from the proceeds due to the Town under the provisions of Massachusetts General Laws Chapter 90, or take any other action relative thereto. (BOARD OF SELECTMEN)

ARTICLE 9 – GDRSD – CREATE STABILIZATION FUND: To see if the Town will vote (a) to approve the Groton-Dunstable Regional School District Committee vote (of February 11, 2015) to establish a Stabilization Fund, pursuant to Section 16G½ of Chapter 71 of the Massachusetts General Laws, said Stabilization Fund to be invested and to retain its own interest earnings as provided by law, and (b) to set up an operational line item for the transfer of available monies into said Stabilization Fund, or to take any other action relative thereto. (GDRSD COMMITTEE/BOARD OF SELECTMEN)

ARTICLE 10 – Town Hall Furnace Repair: To see if the Town will vote to raise and appropriate, borrow, transfer from available funds, or any combination thereof, a sum of money to repair, including the replacement of parts, the Town Hall furnace system, or take any other action relative thereto. (BOARD OF SELECTMEN)

ARTICLE 11 – Consultant to assist Town with MS4 Permit Requirements: To see if the Town will vote to raise and appropriate, borrow, transfer from available funds, or any

combination thereof, a sum of money to pay for a consultant to assist the Town in meeting the stormwater management requirements of any MS4 Permit issued to and for the Town. (BOARD OF SELECTMEN)

ARTICLE 12 – Fiscal Year 2016 Transfer to Stabilization: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money, and if so what amount, for the Stabilization Fund pursuant to Massachusetts General Laws Chapter 40, Section 5B, or take other action relative thereto. (ADVISORY COMMITTEE)

ARTICLE 13 - Water Storage Facility: To see if the Town will appropriate a sum of money by borrowing for the construction of a 200,000 gallon Water Storage Facility and Booster Pump Station, Water Main Replacement, engineering and modifications to existing well stations for the Dunstable Water Department and to authorize the treasurer, with the approval of the Selectmen, to issue any bonds or notes that may be necessary for that purpose, or take any other action relative thereto. (BOARD OF SELECTMEN)

ARTICLE 14- Revolving Funds: To see what revolving funds the Town will vote to authorize or reauthorize pursuant to Massachusetts General Laws Chapter 44, Section 53E1/2 for the Fiscal Year 2016, beginning July 1, 2015, or take any other action relative thereto. (BOARD OF SELECTMEN)

Revolving Fund	Authorized Authority	Receipts Credited	Spending Purpose	FY Spending Limit
Cemetery	Cemetery Commission	Receipts collected from sale of lots, interment fees and other such pertinent fees apertaining to the cemetery.	Operation and/or maintenance of the cemetery including the payment of wages or salaries of employees of such facility who are not full time employees of the Town.	\$8,500.00
Recreation	Recreation Commission	Funded through donations, fund raising efforts, grants, and receipts for usage permits.	Expended for the repairs, maintenance and/or improvement to town recreational sites (including Town Field, Larter Field, tennis courts, and any other facility under Recreation purview.)	\$7,000.00

COA Transport	Council on Aging	Funded through donations, fund raising efforts, grants, and receipts from usage fees, etc.	Van transportation and miscellaneous transportation costs, etc.	\$1,000.00
------------------	---------------------	--	---	------------

ARTICLE 15 – Transfer Station: To see what sum or sums the Town will vote to appropriate to operate the Transfer Station or take any other action relative thereto.
(BOARD OF HEALTH)

ARTICLE 16 – Water Department: To see what sum or sums the Town will vote to appropriate to operate the Water Department or take any other action relative thereto.
(WATER COMMISSIONERS)

ARTICLE 17 – Renewable Energy Purchase/Net Metering Agreement: To see if the Town will vote to authorize the Board of Selectmen to enter into renewable energy purchase and/or net metering credit purchase agreements, including solar energy and related net metering credits, for terms of more than three years, and to take all actions necessary to implement and administer such agreements, or take any other action relative thereto.

ARTICLE 18 – Community Preservation Committee Recommendations: To see what transfers or other action the Town may vote with respect to any recommended action of the Community Preservation Committee, or take any other action relative thereto. (BOARD OF SELECTMEN/COMMUNITY PRESERVATION COMMITTEE)

ARTICLE 19- Conservation Restriction: To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, or any combination thereof, a sum or sums to purchase through the Conservation Commission, on behalf of the Town, a Conservation Restriction as defined in Massachusetts General Laws Chapter 184, Section 31, as amended, on certain real property situated on the easterly corner of Main and Forest Streets, comprising approximately six acres, believed to be owned by the Miller family, and further, to determine whether the town will seek and/or accept any gifts or grants therefor, or apply funds under the control of the Community Preservation Committee, or take any action in relation thereto. (CONSERVATION COMMISSION)

ARTICLE 20 – PEG Access and Cable Related Fund: To see if the Town will vote to establish a new account to be named PEG Access and Cable Related Fund pursuant to Massachusetts General Laws, Section 53F3/4, and Chapter 352, Section 2, of the Acts of 2014, or take any other action relative thereto. (BOARD OF SELECTMEN)

ARTICLE 21 - Road Acceptance Skytop Lane: To see if the Town will vote to accept as a public way in the town a certain existing roadway known as Skytop Lane, provided it has been duly laid out and filed with the Town Clerk, all as prescribed in applicable law;

and further that the Selectmen be authorized to take by eminent domain, on behalf of the Town, as provided under Massachusetts General Laws Chapter 82, Section 24, and related laws, such interests in easement or fee as in their discretionary judgment are necessary or sufficient to these purposes; and further that the Selectmen be authorized to accept on behalf of the Town and the Board of Road Commissioners any deeds or releases of any such interests from any parties holding same, or take any other action relative thereto. (BOARD OF SELECTMEN)

ARTICLE 22 – Free Cash Transfer: To see what sum the Town will vote to transfer from Free Cash (Surplus Revenue) to meet the appropriations of Fiscal Year 2016, beginning July 1, 2016 or to authorize the Assessors to use to establish the tax rate, or take any other action relative thereto.

ARTICLE 23 – Wage Classification Plan: To see if the Town will vote to adopt a Pay Classification Plan for the non-unionized municipal employees, effective July 1, 2016 or take any other action relative thereto:

ARTICLE 24 – Personnel Bylaw: To see if the Town will amend the General Bylaws of the Town to include the following new Personnel Bylaw below:

Personnel Bylaw

Section 1. Purpose And Authorization

The purpose of the Personnel Bylaw is to establish personnel policies and to establish a system of personnel administration that ensures a uniform and efficient application of personnel policies. This bylaw is adopted pursuant to the authority granted by Article LXXXIX of the Amendments to the Constitution of the Commonwealth and General Laws, Chapter 41, Sections 108A and 108C.

The following principles shall apply:

- 1.1 Recruitment, selection, and advancement of personnel shall be based on ability, knowledge, education, and skill under open competition.
- 1.2 Employment shall be open to all segments of society.
- 1.3 Nondiscriminatory treatment of all applicants and employees shall be guaranteed in all aspects of personnel system and shall be administered without regard to age, as defined by law, race, color, creed, gender, gender identity, genetic information, sexual orientation, as defined by law, national origin, political affiliation, disability, any other category or class protected by federal, state or local laws, and with proper regard for privacy and constitutional rights.

Section 2. Application

All Town departments and positions shall be subject to the provisions of this bylaw except elected Town officers, employees with individual personal employment contracts, employees covered by collective bargaining agreements, and employees of the school department. Nothing in this bylaw shall be construed to limit any specific rights of employees pursuant to Massachusetts General Laws.

Section 3. Delegation Of Responsibilities

3.1 *Board of Selectmen:* The Board of Selectmen shall be responsible for the overall administration of the Personnel Bylaw and the personnel policies. The Board of Selectmen shall appoint a Personnel Board. The Board of Selectmen shall appoint the Personnel Administrator and may delegate administration of this bylaw to the Personnel Administrator.

3.2. *Personnel Board:*

3.2.1 *Composition:* The Personnel Board shall consist of five (5) members appointed by the Board of Selectmen. One (1) member shall be appointed for a term of one (1) year, two (2) members for terms of two (2) years, and two (2) members for terms of three (3) years. All subsequent appointments shall be made for three (3) years and vacancies shall be filled by the Board of Selectmen for the unexpired term. No member of the Personnel Board shall be an employee under the jurisdiction of the Town, or an appointed or elected official of the Town. Like all Town employees and board/committee members, the Personnel Board is subject to and shall abide by the provisions of the Conflict of Interest Law, MGL, Chapter 268A. Members shall serve without compensation.

3.2.2 *Organization:*

The Personnel Board shall annually elect a Chairperson from its membership who shall preside over meetings and serve as the Personnel Board's spokesperson. The Board shall select a clerk from its membership who shall be responsible for recording minutes of committee meetings, in accordance with the Open Meeting Law, Massachusetts General Laws Chapter 30A, Section 22. A majority of the Board shall constitute a quorum for the transaction of business. Action by a majority of those Board members present shall be binding.

3.2.3 *Powers and Duties:* The Personnel Board is authorized to prepare personnel policies for the Selectmen's consideration and ratification, which policies shall apply to those Town positions that are subject to this bylaw. The Personnel Board is further authorized to make interpretations and resolve questions of policy relating to wages, salaries and other benefits and their related procedures, subject to the approval of the Board of Selectmen. The Personnel Board shall prepare policies and procedures for the Selectmen's consideration and ratification that it deems necessary for the administration of the Personnel Bylaw and any personnel policies adopted pursuant thereto. Subject to the Selectmen's consideration and approval, the Personnel Board, with the assistance of the Personnel Administrator, shall classify all compensated positions in the employ of the Town, both part-time and full-time, except employees covered by individual employment contracts issued through the Board of Selectmen, employees covered by collective bargaining agreements, elected officials, and those employees under the jurisdiction of the School Committee.

3.3 *Personnel Administrator:* The Town Administrator shall serve as the Personnel Administrator.

3.3.1. *Powers and Duties:* The Personnel Administrator shall have the following duties:

3.3.1.1 Under the general direction of the Board of Selectmen, shall be responsible for the day-to-day administration of all functions specified in this bylaw and personnel policies promulgated pursuant to Section 5 and any other policies, procedures, or regulations that may be established to administer this bylaw; and for ensuring that this bylaw and personnel policies are consistently administered by all town departments, boards, and committees.

3.3.1.2 Provide advice and assistance to the Board of Selectmen, Personnel Board, supervisory personnel, and employees in all aspects of personnel management specified in this bylaw.

3.3.1.3 Periodically review and recommend to the Personnel Board such changes in this bylaw and the Town's personnel policies as may be considered necessary as conditions change.

3.3.1.4 Supervise and maintain, on a centralized basis, all records pertaining to personnel management in the Town, including therein such information as required by law.

3.3.1.5 Administer employment training, and employee development programs, whether funded by the Town, the Commonwealth, the United States Government, or any other source.

3.3.1.6 Evaluate periodically the effectiveness of the Town's personnel system and recommend any changes to the Personnel Board.

3.3.1.7 Ensure that the Town provides equal opportunity to all persons regardless of age, as defined by law, race, color, creed, gender, gender identity, genetic information, sexual orientation, as defined by law, national origin, political affiliation, disability, any other category or class protected by federal, state or local laws, or any other non-merit factors for entry level positions and promotional positions, and that the Town provides equal treatment in all aspects of personnel management.

3.3.1.8 Ensure that the recruitment, selection, appointment and removal of employees is consistent with the Personnel Bylaw and any policies and procedures adopted pursuant to the Personnel Bylaw.

3.3.1.9 Ensure the preparation and maintenance of a comprehensive compensation and classification plan including the pay schedule and classification plan.

3.3.1.10 In conjunction with Town department heads, establish and maintain written job descriptions for those positions covered by this bylaw, describing the essential characteristics, requirements, and functions of those positions.

3.4 *Support:*

The Town shall furnish such staffing, services, office space, equipment and other support as may be necessary for the proper functioning of the personnel system, subject to appropriation.

3.4.1 *Centralized Record Keeping*: The Personnel Administrator shall be responsible for overseeing the maintenance, on a centralized basis, of personnel records, including therein such information as is required by law in compliance with Massachusetts General Laws Chapter 149, Section 52C. A personnel record shall not include information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of such other person's privacy. The form and content of records and the responsibilities of department heads and supervisory personnel with respect to such records shall be specified in Personnel Policies.

3.4.2 *Confidentiality and Access to Personnel Records*: Personnel records shall be confidential and access to an employee's records shall be limited to the Appointing Authority, the Town Administrator/Personnel Administrator, the respective employee's department head and the Town Treasurer on a need-to-know basis. An employee may upon written request to the Personnel Administrator review his or her personnel file within five (5) business days of such request. Such review shall take place at Town Hall during normal business hours and in the presence of the Personnel Administrator or his/her designee. Should the Town receive a written request from an employee, it shall provide the employee with the opportunity to review his/her personnel record in accordance with Massachusetts General Laws Chapter 149, Section 52C.

An employee shall be given a copy of his/her personnel record in accordance with Massachusetts General Laws Chapter 149, Section 52C within five (5) business days of the employee's submission of a written request for such copy to the Town. The Town shall notify an employee within ten (10) days of the Town placing in the employee's personnel record any information to the extent that the information is, has been or may be used, to negatively affect the employee's qualification for employment, promotion, transfer, additional compensation or the possibility that the employee will be subject to disciplinary action.

Section 4. Personnel System

A personnel system shall be established by promulgation of policies pursuant to Section 5. The personnel system shall make use of current concepts of personnel management and shall include but not be limited to the following elements:

4.1 *Method of Administration*: A system of administration which assigns specific responsibility for all elements of the personnel system, including: maintaining personnel records, implementing effective recruitment and selection processes,

maintaining the classification and compensation plans, monitoring the application of personnel policies and periodic reviews, and evaluating the personnel system.

4.2 *Classification Plan*: A classification plan for all positions subject to this bylaw shall be established based on similarity of duties performed and the responsibilities assumed so that the same qualifications may be reasonably required for, and the same schedule of pay may be equitably applied to, all positions in the same class. No employee who is subject to this bylaw may be hired or promoted to a job title not included in the classification plan.

4.3 *Compensation Plan*: A compensation plan for all positions subject to this bylaw shall consist of:

4.3.1 A schedule of pay grades including minimum, maximum and intermediate rates for each grade; and

4.3.2 An official list indicating the assignment of each position to specific pay grades.

4.4 *Personnel Policies*: A series of personnel policies, which establishes the rights, the benefits to which personnel employed by the Town are entitled and the obligations of said employees to the Town. Included shall be a recruitment, employment, promotion and transfer policy, which provides that reasonable effort is made to attract qualified persons and that selection criteria are job-related.

4.5 *Personnel Records*: A centralized record keeping system which maintains personnel records in accordance with Massachusetts General Laws Chapter 149, Section 52C.

4.6 *Other Elements*: Other elements of a personnel system as deemed appropriate or required by law.

Section 5. Adoption And Amendment Of Personnel Policies

The Board of Selectmen shall promulgate personnel policies defining the rights, benefits and obligations of employees subject to this bylaw upon recommendation of the Personnel Board. Policies shall be adopted or amended as follows:

5.1 *Preparation of Policies*: The Personnel Board shall prepare policies or amendments to policies for consideration and approval by the Board of Selectmen. Any member of the Board of Selectmen, Personnel Board, Personnel Administrator, a department head, or any three employees may suggest policies to be considered for preparation by the Personnel Board. The Personnel Board need not consider any proposal already considered in the preceding twelve months. Any person proposing a new or amended policy shall provide the substance and the reason for the proposed policy to the Personnel Board in writing. The Personnel Board shall consider any proposed policies or amendments at its next regular meeting. Any proposed policies or amendments shall be posted at least five (5) days prior to the meeting in prominent work locations, and a copy shall be submitted to the Board of Selectmen.

5.2 *Process*: The Personnel Board shall present the proposed policy(ies) or amendment(s), the purpose of the proposal, and the implication of any proposed change at a public meeting. Any person may attend the meeting, speak and present information. Within twenty (20) business days after such meeting, the Personnel Board may vote to recommend that the Board of Selectmen adopt the

policies (with or without modifications), reject the policies, or indicate that further study is necessary.

5.3 Recommended Policies: The Personnel Board shall transmit its recommendations in writing to the Board of Selectmen within twenty (20) business days of any vote on proposed personnel policies or amendments. The recommendations from the Personnel Board shall contain the text of the proposed policy or amended policy, an explanation of the Policy, and the potential implications of the Policy. The Board of Selectmen shall consider recommendations of the Personnel Board and may adopt, reject, revise, or return recommendations for further action to the Personnel Board. The Board of Selectmen need only act on proposed policies recommended by the Personnel Board for adoption. Policies shall become effective upon approval of the Board of Selectmen, unless some other date is specified in the policy or rules.

Section 6. Severability

The provisions of this bylaw and any regulations adopted pursuant to this bylaw are severable. If any bylaw provision or regulation is held invalid, the remaining provisions of the bylaw or regulations shall not be affected thereby.

Section 7. Effective Date

This bylaw shall take effect on May 11, 2015.

Or take any other action relative thereto. (BOARD OF SELECTMEN/PERSONNEL BOARD)

ARTICLE 25 – Amend General Bylaws Anti-Litter Bylaw: To see if the Town will vote to amend the General Bylaws by making deletions and insertions (deletions shown by ~~strike through~~ and insertions shown by **{bold}**) as follows:

“Section 2 Whoever shall discard, shovel, throw or pile snow in a public way after Police warning not to do so shall be punished by a fine of ~~Twenty Five~~ **One Hundred** dollars.”

Or take any other action relative thereto. (BOARD OF SELECTMEN/ROAD COMMISSIONERS)

ARTICLE 26 – Amend General Bylaws Dog Control Bylaw: To see if the Town will vote to amend the General Bylaws by making deletions and insertions (deletions shown by ~~strike through~~ and insertions shown by **{bold}**) as follows:

DOG CONTROL

Statement of Purpose: This by law is intended to guide those persons owning or keeping dogs in their role as responsible pet owners so as not to adversely affect the residents of the Town of Dunstable, and to provide for the due and proper disposition of the proceeds of fees and fines arising from the keeping and licensing of dogs.

§ 1. Regulation of Dogs

1.1 Definitions as used in this Section - the following words and terms have the following meanings:

- A. **Animal Control Officer:** an appointed officer authorized to enforce Massachusetts General Laws Chapter 140 sections 136A and 174E.
- B. **Attack:** aggressive physical contact initiated by an animal.
- C. **Dangerous dog:** a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.
- D. **Domestic animal:** an animal designated as domestic by regulations promulgated by the department of fish and game.
- E. **Euthanize:** to take the life of an animal by the administration of barbiturates in a manner deemed acceptable by the American Veterinary Medical Association Guidelines on Euthanasia.
- F. **Hearing authority:** the Board of Selectmen.
- G. **Keeper:** a person, business, corporation, entity or society, other than the owner, having possession of a dog.

~~1.2~~ No person shall permit a dog owned or kept by him/her to be beyond the confines of the property of the owner or keeper unless the dog is under the control of such owner, keeper or his/her agent or is firmly held on a leash. Any dog kept within the confines of the town must be duly licensed and tagged as required by Massachusetts General Laws, Chapter 140, Sections 137-147 including amendments as enacted and approved by the Commonwealth. As used in this Section, the term 'control' shall include, but shall not be limited to oral or visual commands to which the dog is obedient. Nothing in this section shall be construed to limit the authority of the Selectmen to impose a more restrictive standard of restraint in connection with a particular matter properly before them under any applicable law, bylaw or regulation.

~~21.3~~ Violation of this control provision of the bylaw shall be punishable by a fine of ten dollars (\$10.00) for the first offense, fifteen (\$15.00) for the second, twenty (\$20.00) for the third, and twenty-five dollars (\$25.00) for the fourth or subsequent offenses. Nothing in this Section shall be deemed to limit the authority of the enforcing authority to issue a warning in any instance.

~~31.4~~ The enforcing authority hereunder shall be either the Dunstable Police Department, including any Police Officer in said Department, or the Dog Animal Control Officer.

~~41.5~~ The provisions of Massachusetts General Law Chapter 140, Sections 136A through 174DE inclusive, as may be amended from time to time and insofar as applicable, including the definitions therein, are hereby incorporated by reference into

this bylaw relating to the regulation of dogs, insofar as they may explain, clarify or supplement the provisions hereof.

§5.2. Licenses

- 2.1 Definitions as used in this Section - the following words and terms have the following meanings:**
- A. License period – the period of time for which any duly issued dog license is valid, including the date of issuance of the license through the date on which the license expires, inclusive.**
 - B. Licensing authority – The Town Clerk**
- 2.2 The owner or keeper of a dog within the town shall cause the dog to be initially licensed when it attains the age of six months and annually thereafter. Proof of a currently valid rabies vaccination shall be required prior to the issuance of any license.**
- 2.3 The annual licensing date shall be January 1st of any year.**
- 2.4 The Town Clerk shall, pursuant to Massachusetts General Laws Chapter 40, Section 22F, from time to time fix reasonable fees to be charged for the issuance of licenses for dogs.**
- 2.5 The Town Clerk shall, pursuant to Massachusetts General Laws Chapter 40, Section 22F, from time to time fix reasonable fees to be charged for the issuance of licenses for kennels.**
- 2.6 The Town Clerk shall be responsible for the issuance of all licenses related to this bylaw.**
- (a)A. Any person or entity who fails to register and license his/her/its dog each year by April 1 in the Town of Dunstable, Middlesex County, and pay the fees and charges under any and all applicable ordinances, bylaws or regulations adopted/observed by the Town of Dunstable will be required to pay to the Town a late fee, in the amount of ten dollars (\$10.00). Any such person, etc, acquiring a dog, six months of age or older, after the last day of March in any year shall cause the dog to be registered and licensed within Thirty (30) days from the date of acquisition which shall be presumed to be the date on the rabies certificate. Failure so to register and license the dog shall subject such person to a late fee of \$10.00, which shall be payable to the Town of Dunstable.**
 - (b)B. Failure to license and register a dog before May 1st annually shall result in a Fifty dollar (\$50.00) fine, pursuant to MGL Massachusetts General Laws 140:141 which shall be in addition to the late fee provided in Section 2.6 A above, and which shall be payable to the Town of Dunstable. Failure to vaccinate against rabies by a licensed veterinarian shall result in a One Hundred dollar (\$100.00) fine pursuant to MGL Massachusetts General**

Laws 140:145B. On or after May 1st annually, those owners in violation of the licensing requirement of this bylaw will receive a notice of the aforesaid fine. Those that do not pay the fines within twenty-one (21) days of such notice shall be subject to citation under the "Dunstable Non-Criminal Disposition Bylaw".

§6.2.7 All fees or fines collected under this bylaw shall be paid into the general fund, subject to the provisions of the Massachusetts General Laws, as amended.

§7.2.8 Any part, section or provision of this bylaw found to be invalid shall be severable and the remaining portions of this bylaw shall not be affected thereby. No provision or interpretation of a provision of this bylaw is intended to be in conflict with any provision of the Massachusetts General Laws, pertaining to dogs.

§8.2.9 This bylaw shall go into effect on the date of posting the Town Bulletin following the approval of the Attorney General.

§3. Kennels

3.1 Definitions as used in this Section - the following words and terms have the following meanings:

- A. **Kennel:** a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel as defined in Massachusetts General Laws Chapter 140, Section 136A.
- B. **Personal kennel:** a pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit.
- C. **Commercial boarding or training kennel:** an establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that "commercial boarding or training kennel" shall not include an animal shelter or

animal control facility, a pet shop licensed under Section 39A of Chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

- D. **Commercial breeder kennel:** an establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

3.2 Licenses; Fees; Requirements; Violations.

- A. **No person shall operate a Kennel within the Town without first obtaining a Kennel License from the Town Clerk in accordance with the provisions of this Section.**
- B. **The Town Clerk shall determine the amount of the non-refundable fee for a Kennel License for each License Period. The Town Clerk may charge an increased fee for applications for Kennel License renewals received after March 15 for that License Period.**
- C. **The location and operation of any Kennel shall be appropriate for housing the number of dogs allowable under the terms of its Kennel License and may not be detrimental to the health and safety of dogs or persons.**
- D. **All Kennels shall be operated in a safe, sanitary, and humane condition, as provided in Massachusetts General Laws Chapter 140, Section 137C.**
- E. **No Kennel that provides overnight boarding of dogs may keep more than 25 dogs on the premises at any time. Dogs that are on the premises for medical or surgical treatment or observation shall not be counted in this number.**
- F. **No Kennel may contract with security dog firms or other businesses to board protection or security dogs, or dogs in training to be protection or security dogs on the premises. A security dog kept on the premises for the Kennel's own security purposes is permitted.**
- G. **Kennel operations, including the exercising of dogs, shall be in an indoor enclosed area, except that individual dogs may be exercised one at a time in a prescribed outdoor area.**
- H. **Every Kennel shall at all times keep and maintain accurate records of the number and identities of all dogs kept on the premises, and the identities of persons who have purchased dogs from the Kennel.**
- I. **Except as otherwise provided in this Paragraph, any violation of this Section shall result in a fine of \$50 per such violation and, for violations continuing 30 days past licensing deadlines, an additional fine of \$100 per such violation. A person maintaining a Kennel after the Kennel License therefor has been revoked, or while such Kennel License is suspended, shall be punished by a fine of not more than \$250. Violations shall be administered in accordance with the provisions of Massachusetts General Laws Chapter 140, Section 173A.**

3.3 Application Process; License Issuance; Renewals.

- A. Any person or entity seeking a Kennel License or renewal or reinstatement thereof shall complete and submit to the Town Clerk a Kennel License application, in a form prescribed by the Town Clerk.**
- B. Upon receipt of a completed application, the Town Clerk shall so notify the Animal Control Officer who shall forthwith conduct an inspection of the applicant's Kennel as provided in Section 3.4. The Town Clerk shall also give notice of the application to direct abutters to the proposed Kennel location and provide such abutters 14 days to submit written comments on the application.**
- C. The Town Clerk shall review the completed application, all comments received within 14 days of the notice to abutter given pursuant to Paragraph (2), and the Kennel Inspector's report. The Town Clerk shall determine whether the proposed Kennel is in compliance with the requirements of this Section and Massachusetts General Laws Chapter 140, Sections 137C and 137D and, if so, shall issue a Kennel License to the applicant. If the Town Clerk finds that the proposed Kennel is not in compliance with such requirements, the Town Clerk shall deny the application and state the reasons for such denial.**
- D. Any application for renewal of a Kennel License shall be submitted to the Town Clerk on or before December 15 for the next License Period.**
- E. Nothing in this Dog Control Bylaw shall be construed to authorize the operation of a dog kennel in Dunstable *per se*, or to supersede the authority of the Zoning Board of Appeals to authorize such uses under Section 6.2(d) of the Dunstable Zoning Bylaw, as it may be from time to time amended.**

3.4 Inspections. The Animal Control Officer, the Police Chief, the Board of Selectmen, may at any time inspect a Kennel or cause the inspection of a Kennel to ascertain whether the Kennel complies with the requirements of this Section and applicable state statutes.

3.5 Suspension or Revocation of Kennel License; Reinspections.

- A. If the Town Clerk denies a Kennel License application or renewal application, the applicant or Kennel License holder may request a reinspection of the proposed Kennel after reasonably demonstrating to the Kennel Inspector that the proposed Kennel has been brought into compliance with the requirements of this bylaw and applicable state statutes. The Kennel Inspector shall thereafter, as soon as is practicable, reinspect the proposed Kennel and make a report to the Town Clerk, who shall, within a reasonable time, review the application in accordance with Section 3. The Town Clerk may set fees for reinspections performed pursuant to this Paragraph.**

- B. If the Animal Control Officer, Police Chief, Board of Selectmen, inspects or causes to be inspected a Kennel and, in the judgement of the person or entity that performed the inspection, the Kennel operator is not maintaining in compliance with this Section and applicable state statutes, the Selectmen, Police Chief or the Town's Animal Control Officer may, by order, revoke or suspend the Kennel License, in accordance with Massachusetts General Laws Chapter 140, Section 137C and in the event none of said persons or boards so acts, the Board of Selectmen shall revoke or suspend the Kennel.**
- C. If a Kennel License is suspended, the Kennel License holder may apply for reinstatement by requesting a reinspection of the Kennel after reasonably demonstrating to the Kennel Inspector that the Kennel has been brought into compliance with this Section and applicable state statutes, and that the License Holder has satisfied the terms of the suspension order. The Kennel Inspector shall thereafter, as soon as is practicable, reinspect the Kennel and make a report to the Town Clerk who shall, within a reasonable time, review the application in accordance with Section 3.3. The Town Clerk may set fees for reinspections performed pursuant to this Paragraph.**
- D. If a Kennel License is revoked, the Kennel License holder may apply for a new Kennel License in accordance with Section 3.3. The Town Clerk may set fees for reinspections performed pursuant to this Paragraph.**

or take any other action relative thereto.

ARTICLE 27 - Amend Zoning Bylaws Sections 6.2 Uses Permitted By Special Permit of the Board of Appeals: To see if the Town will vote to amend the Zoning Bylaws by deleting Section 6.2 (g) , and adding Section 6.2.1 ACCESSORY DWELLING UNITS as follows:

"6.2.1 ACCESSORY DWELLING UNITS

In order to increase the availability of moderately priced housing for the young, the elderly, people of low and moderate income, and dependent relatives of town residents without substantially altering the appearance of the Town, accessory dwelling units may be allowed by Special Permit of the Zoning Board of Appeals which shall subject to the following considerations:

(a) Procedures

- i. A plot plan, prepared by a Registered Land Surveyor, of the existing dwelling unit and proposed accessory dwelling unit shall be submitted to the Board of Appeals, showing the location of the building on the lot, proposed accessory dwelling unit, location of any septic system, well and required parking.
- ii. Any special permit application shall be subject to review and approval by the Board of Health as to sanitary wastewater disposal in full conformance with the provisions of 310 CMR 15.00 (Title V of the State Environmental Code). The

Board of Health will also review and approve the water supply. Therefore, applicants are encouraged to seek Board of Health review prior to making an application to the Board of Appeals.

(b) Standards

- i. Not more than one accessory dwelling unit may be established on a lot. The accessory dwelling unit shall not exceed 35% of the gross living space of the existing or expanded principal structure or 1,200 square feet, whichever is greater, and have no more than two bedrooms. The expansion of an existing structure to accommodate an accessory apartment shall not increase the gross floor space of the existing structure more than 15%.
- ii. The accessory dwelling unit may be located in the principal structure or in a detached accessory structure; provided, however, that an accessory dwelling unit may be located in such detached accessory structure only where such detached accessory structure has been in existence for at least ten (10) years. The burden shall be upon the applicant to demonstrate compliance with this subsection.
- iii. An accessory apartment shall be a complete dwelling unit with a separate entry, kitchen facilities, at least one bedroom, and a bathroom with sink, toilet and bathing facilities.
- iv. The external appearance of the structure in which the accessory dwelling unit is to be located shall not be significantly altered from the appearance of a single family structure or other structure ordinarily used and included in the context of single family dwellings, in accordance with the following:
 - (1) The expansion of an existing structure to accommodate an accessory apartment shall not increase the gross floor space of the existing structure more than 15%;
 - (2) Any stairways or access and egress alterations serving the accessory dwelling unit shall be enclosed, screened, or located so that visibility from public ways is minimized;
 - (3) Sufficient and appropriate space for at least one (1) additional parking space shall be provided by the owner to serve the accessory dwelling unit. Said parking space shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway;
 - (4) All construction and/or renovation shall be performed in accordance with the applicable requirements of the State Building Code.

(c) Conditions and Renewal

- i. Prior to the conclusion of a Site Plan Review the owner must provide certification, by affidavit, that one of the two dwelling units shall be occupied by the owner of the property as his/her primary residence at least six months in any calendar year. In addition, such owner shall occupy such dwelling unit as his or

her primary residence as a condition of the validity of the Special Permit. The owner must also own the entire lot, any structures thereon, and both dwellings.

- ii. The initial term and subsequent extensions of a special permit for an accessory dwelling unit shall terminate upon transfer of the ownership of the premises or when the owner no longer occupies the premises as his or her residence in accordance with Section (c) i above. Upon sale or transfer of the property to a new owner, the new owner must submit an affidavit to the Building Inspector of their intention to use one of the dwellings as their primary residence. A subsequent special permit may be granted after certification by affidavit is made by the applicant to the Board of Appeals that the accessory dwelling unit has not been extended, enlarged, or altered to increase its original dimensions, as defined in the initial special permit application.
- iii. Use and occupancy of any accessory apartment other than is authorized herein shall be grounds for revocation of any permit granted under this section.

(d) Decision

- i. Special Permits for an accessory dwelling unit may be issued by the Board of Appeals upon a finding that the construction and occupancy of the additional dwelling unit complies with foregoing provisions and will not be detrimental to the neighborhood in which the lot is located.
- ii. Nothing in this subsection 6.2.1 shall be construed to change or reduce any dimensional or area requirements of this Zoning Bylaw relative to single-family dwellings and accessory structures thereto or to allow any uses not otherwise permitted by this Zoning Bylaw, other than accessory apartments as allowed.”

or take any other action relative thereto.

ARTICLE 28 – Amend Zoning Bylaw Section 6.3: To see if the Town will vote to amend the Zoning Bylaws by making deletions and insertions (deletions shown by ~~{strike through}~~ and insertions shown by **{bold}**) as follows:

“6.3. No permit shall be granted to carry on any of the uses listed in Section 6.2 ~~(a)~~ through ~~(g)~~ and **6.2.1** in any structure ...”

or take any other action relative thereto.

ARTICLE 29 - Amend Zoning Bylaws Sections 6.7.5 and 6.7.11: To see if the Town will vote to amend the Zoning Bylaws by making deletions and insertions (deletions shown by ~~{strike through}~~ and insertions shown by **{bold}**) as follows:

“Section 6.7.5 ~~(K) Lighting. Exterior lighting shall be of a non-glaring type, and shall be planned, installed and operated so as to best serve each building or groups of buildings,~~

as required by the Planning Board through the plan review process. Parking areas, drives and other roadways shall be designed and landscaped so that all dwelling units are reasonably screened from motor vehicle headlights and so that parking area lighting will not directly unreasonably illuminate adjacent lots.”

“Section 6.7.5 Design Requirements

~~(L)~~ (K) Rubbish Disposal... ~~(M)~~ (L) Environmental Protection... ~~(N)~~ (M) Roads...
~~(O)~~(N) Affordable Units...”

“6.7.11 Minimum Special Requirements

~~(j)~~ Exterior lighting shall be shaded or directed as to prevent illumination off site. All external lighting, except for demonstrable safety and security needs, shall be extinguished by 10:00 p.m.

~~(k)~~ (j) No additional parking required... ~~(l)~~ (k) Any sign relating to a Bed and Breakfast... ~~(m)~~ (l) The burden shall be upon any applicant... ~~(n)~~(m) Prior to the renting of any rooms...”

or take any other action relative thereto.

ARTICLE 30 – Amend Zoning Bylaws Section 14 Site Plans: To see if the Town will vote to amend the Zoning Bylaws Section 14 by making deletions and insertions (deletions shown by ~~{strikethrough}~~ and insertions shown by **{bold}**) as follows:

“14.1until a site plan, prepared by a licensed professional ~~architect or~~ engineer, has been submitted to and approved by the board or authority having jurisdiction of such permit or special permit (referred to elsewhere in this section as “the authority”) **See Section 15.1 Removal of Earth.**”

“14.2. **The provisions of this section shall govern the content of the site plan, unless the authority has adopted their own rules and regulations governing the submittal of site plans. All site plans ...**”

“14.5 (c)where appropriate. **“Permanent bounds showing property lines shall be installed.”**

“14.5 (e) ...neighboring properties. **To avoid confusion, Planning Board reserves the right to approve/disapprove street names.**”

or take any other action relative thereto.

ARTICLE 31 - Amend Zoning Bylaws Section 25 LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC FACILITIES: To see if the Town will vote to amend the Zoning Bylaws Section 25 by making deletions and insertions (deletions shown by ~~{strikethrough}~~ and insertions shown by **{bold}**) as follows:

“25.5.2 One of three line electrical...methods, with all ~~National Electrical Code~~ **Massachusetts Electrical Code** compliant disconnects...”

“25.9.1 The minimum lot or parcel size for any installation shall be ~~twenty acres~~ **two acres.**”

or take any other action relative thereto.

And furthermore, in the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of the Dunstable who are qualified to vote in Town affairs, to meet at the Dunstable Public Library on Monday, May 18, 2015 at 12:00 o'clock noon, to cast their ballots for the following officers and questions:

Moderator, one position for one year; Selectmen, one position for three years; Assessors, one position for three years; Board of Health, one position for three years; Board of Road Commissioners, two positions, one for three years and one for one year; Constables, two positions for one year; Greater Lowell Reg. Voc. Tech. School, one position for three years; Groton-Dunstable Reg. School Dist., one position for two years; Trustees Public Library, one position for three years; Cemetery Commissioners, one position for three years; Water Commissioners, one position for three years; Park Commissioners, one position for three years; Planning Board, one position for five years; Commissioners of Trust Funds, one position for three years; Commissioners to Expend Proctor/Parkhurst Funds, one position for five years; Commissioners to Expend Parkhurst Free Lecture Funds, one position for five years; Advisory Board, two positions for three years.

Question #1:

1. Shall the Town of Dunstable be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued for the purpose of constructing a 200,000 gallon Water Storage Facility and Booster Pump Station , Water Main Replacement, engineering, and modifications to existing well station for the Dunstable Water Department?

Yes _____

No _____

And you are hereby directed to serve this warrant, by posting attested copies thereof, one at the Post Office and one at the Town Hall in said Dunstable seven days at least before the time of holding such Town Meeting.

Hereof fail not, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of the meeting as aforesaid.

Given under our hands this 30th day of April, two thousand and fifteen.

DUNSTABLE BOARD OF SELECTMEN

Walter F. Alterisio
Walter F. Alterisio

Kenneth J. Leva
Kenneth J. Leva

Daniel F. Devlin
Daniel F. Devlin

I have served this warrant by posting attested copies thereof, one at the Post Office and one at the Town Hall 11 days before said meeting.

4-30-2015
Date

James M. Cull Jr
Constable